

COUNCIL AGENDA ITEM # \_\_\_\_ FOR  
TUESDAY, SEPTEMBER 14<sup>TH</sup>, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

September 8, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 1105 Loma Verde Drive (Rep. District #6)

Scheduling a public hearing to be held on October 12<sup>th</sup>, 2004 to determine if the property located at 1105 Loma Verde Drive in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of August 23<sup>rd</sup>, 2004, Lawrence W. & Catherine Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property. District #6

**JOE WARDY**  
MAYOR



**BUILDING PERMITS AND INSPECTIONS  
CODE COMPLIANCE  
July 20, 2004**

Lawrence W. & Catherine Few  
1105 Loma Verde Dr.  
El Paso, Texas 79936-7808

Re: 1105 Loma Verde Dr.  
Lot: O. A. Danielson SUR 312  
ABST 10028  
Tract 2-U  
Zoned: R-3A  
COD04-10221  
Certified Mail Receipt #  
7003 2260 0002 9957 0512

***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING Jr.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

1105 Loma Verde Drive

- c. Boarded up, fenced, or otherwise secured in any manner in if:
  - i. The building constitutes a danger to the public even though secured entry, or
  - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 1105 Loma Verde Drive has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

1105 Loma Verde Drive

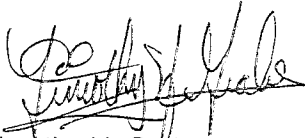
- l. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.
- m. In addition to the above violations, there is work being done to an accessory structure, which is not properly permitted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Timothy H. Grabe", written over a horizontal line.

Timothy H. Grabe  
Building Inspector

THG/rl

**SENDER: COMPLETE THIS SECTION**

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

76

Lawrence W. & Catherine Few  
1105 Loma Verde Dr.  
El Paso, Texas 79936-7808  
Re: 1105 Loma Verde Dr.

LA #3

2. Article Number  
(Transfer from service label)

7003 2260 0002 9957 0512

PS Form 3811, February 2004

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]*

☐ Agent

B. Received by (Printed Name)

*[Printed Name]*

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☒ Yes ☐ No

JUL 26

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12<sup>th</sup> day of October, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1105 Loma Verde Drive, in El Paso, Texas, which property is more particularly described as:

Tract: 2U, O. A. Danielson Survey No. 312 ABST 10028, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 14<sup>th</sup> day of September, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

---

Marvin Foust  
Assistant City Attorney

---

Tom Maguire  
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property located at 1105 Loma Verde Drive, was PUBLISHED in the official City newspaper on the \_\_\_\_day of\_\_\_\_\_, 2004.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Donald E. Wright and Virginia M. Wright  
10017 Montana Ave.  
El Paso, Texas 79925

Date:\_\_\_\_\_  
Time:\_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lawrence W. & Catherine J. Few  
1335 Loma Verde Drive  
El Paso, Texas 79936

Date:\_\_\_\_\_  
Time:\_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

George W. Butterworth  
111 S. Oregon Street Suite A  
El Paso, Texas 79901

Date:\_\_\_\_\_  
Time:\_\_\_\_\_

\_\_\_\_\_  
Inspector



I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Schuyler B. Marshall  
2508 Memphis Ave.  
El Paso, Texas 79930

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lawrence W. & Catherine J. Few  
1105 Loma Verde Dr.  
El Paso, Texas 79936

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (HAND-DELIVERED) to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14<sup>th</sup>, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 1105 Loma Verde Drive, El Paso, Texas.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT**

**ENVIRONMENTAL HEALTH**

**M E M O R A N D U M**

**DATE:** July 29, 2004

**MEMO TO:** Tom Mcguire, Housing Compliance Supervisor

**FROM:** Samuel Jarvis, Sr. Environmental Health Inspector

**SUBJECT:** Condemnation Report

**Re:** 1105 Loma Verde

An inspection of the property was conducted on July 29, 2004 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA**

Trash was noted around the solid waste storage area.

**SECTION 9.04.340 – ACCUMULATIONS**

Disabled Vehicles, Junk, tires, trash and high vegetation were noted through out the property.

**SECTION 9.16 - NUISANCE**

The accumulations mentioned in section 9.04.340 are creating vermin harborage and are an eye sore to the public.

**SECTION 9.16.010 – DESIGNATED**

The building has been engulfed in fire and has been heavily damaged. The house is not secure and the property contains disabled vehicles, junk, trash and high vegetation, which are creating vermin harborage.

**SECTION 9.28 -RAT CONTROL**

N/A

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

20040908 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 085159

ACCOUNT X31299900005350 AMT DUE AS OF: 20040908 ROLL R ALT OWN  
UNITS:01 06 07 08 09 OMIT(-)/SEL(+)  
FEW, LAWRENCE W & CATHERINE O A DANIELSON SUR 312 ABST 10028  
1105 LOMA VERDE DR TR 2-U (1.00 ACRE)

EL PASO			TX 79936-7808					
ACRES		1.0000	PARCEL ADDRESS			1105 LOMA VERDE DR		
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEs	PAYMENTS	TOTAL	DUE
2003	133145	X	3808.83	12/26/2003		3808.83		.00
2002	133145	Y	3797.17	01/03/2003		3797.17		.00
2001	133145	Y	3679.89	01/31/2002		3679.89		.00
2000	132808	Y	3557.56	11/03/2000		3557.56		.00
1999	132808	Y	3466.78	01/31/2000		3466.78		.00
1998	132808	Y	3557.68	12/03/1998		3557.68		.00
1997	137046	Y	3375.88	02/03/1998		3375.88		.00

TOTAL	.00	.00	.00	
LAST PAYOR OWNER			PAGE TOTAL	.00
			CUMULATIVE TOTAL	.00

ENTER NEXT ACCOUNT